AGENDA

SPECIAL MEETING BOARD OF COMMISSIONERS 315 WEST SECOND STREET FRANKFORT, KY 40601 (502) 875-8500 JANUARY 15, 2004 5:00 P.M. (EST)

1. INVOCATION ROLL CALL MINUTES

Rev. Glenn Spaulding, Associate Pastor, St. John A.M.E. Church

December 15, 2003 Regular Meeting, December 23, 2003 Special

Meeting, January 5, 2004 Work Session

2. CEREMONIAL ITEMS

2.1 Employee Recognition.

Background: The Board of Commissioners traditionally recognizes City employees who have received promotions within the various City departments. At this meeting, the following individuals will be in attendance for promotion in the Fire Department to become effective 1/27/04:

Robert Martin to rank of Assistant Chief, Rickey Williams to rank of Battalion Chief, Daniel Shouse and Daniel Miller to rank of Captain, Marc Wood to rank of Lieutenant, Dennis Hodge to rank of Sergeant.

Attachments: None.

3. ORDINANCES

3.1 SECOND READING: An Ordinance Establishing a Lateral Maintenance Fee for Sewer Services.

Purpose: The purpose of this item is to consider an ordinance establishing a \$4.00 monthly fee for all sewer customers to cover the cost associated with the City of Frankfort accepting responsibility for repair and replacement of laterals in right-of-way and public easements as recommended by the Special Sewer Task Force after holding public meetings.

Background: On 4/21/03, the Board of Commissioners created a Special Task Force to evaluate the current policies of the Sewer Department and make a recommendation on any changes that might be appropriate. The Task Force has been meeting and a formal recommendation was made to the Board on 10/6/03 for the City to accept responsibility for ownership of sewer laterals within right-of-way and public easements. Maintenance of flow due to blockages will remain the responsibility of the property owner.

Common laterals will become the responsibility of the City at the point of discharge from more than one building. Acceptance of responsibility of common laterals would be contingent upon property owners providing easements to the City of Frankfort at no cost to the City.

Financial Analysis: Approval of this ordinance will generate approximately \$600,000 in additional annual revenue to be utilized for lateral repair and replacement. Fee will be charged beginning with the February, 2004 billing statements.

This ordinance had its first reading 12/15/03.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: William R. Scalf. Jr.

Title: Director Department: Sewer

Phone: (502) 875-2448 E-mail: <u>wscalf@fewpb.com</u>

3.2 **SECOND READING**: An Ordinance Amending Ordinance No. 26, 1976 Series, and Frankfort Municipal Code Section 15.30.030 - Blasting Permits.

Purpose: The purpose of this item is to consider an ordinance increasing the fee for blasting permit from ten dollars (\$10.00) to two hundred dollars (\$200.00).

Background: The fee charged by the City for the issuance of a blasting permit has been ten dollars (\$10.00) since 1976 and covers all blasting operations at a specified location for a period of twelve months. Considering the inspection of the blasting site by the Fire Department, verification of credentials and potential problems associated with the blasting operation, it is recommended that the fee be raised to a more appropriate level of two hundred dollars (\$200.00). This would keep the fee comparable to the City's burning permit fee, which is at \$200.

This ordinance had its first reading 12/15/03.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: Wallace Possich

Title: Chief Department: Fire

Phone: (502) 875-8511

E-mail: wpossich@fewpb.com

3.3 **FIRST READING**: An Ordinance Repealing Frankfort/Franklin County Zoning District Regulations, Article 1, Section 1.09 Provision for Waivers and Modifications.

Purpose: The purpose of this item is to consider an ordinance repealing in its entirety Article 1, Section 1.09 Provision for Waivers and Modifications, of the Frankfort/Franklin County Zoning District Regulations.

Background: As part of the adopted 2001 Comprehensive Plan and the adopted Implementation Strategy of the Comprehensive Plan, the Frankfort/Franklin County Planning Commission is tasked with reviewing the Zoning Ordinance and making recommendations for its improvement.

On 10/14/03, the Zoning Update Committee met to discuss four issues, one being waivers. Two draft ordinances were provided and discussed. It was determined that the entire waiver section from the Zoning Ordinance (Section 1.09) should be removed rather than amended.

After a public hearing was held by the Frankfort/Franklin County Planning Commission on 12/11/03, the Planning Commission voted to recommend that Section 1.09 – Provision for Waivers and Modifications be repealed in its entirety for the City of Frankfort and Franklin County. The report and testimony given at that meeting was also approved as the summary of the public hearing. The motion to repeal the waiver section was by a unanimous vote.

Recommendation: Approval.

Attachments: Ordinance.

Section 1.09 Provision for Waivers and Modifications.

Frankfort/Franklin County Planning Commission Minutes dated 12/11/03.

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: (502) 875-8513 E-mail: gmuller@fewpb.com

3.4 **FIRST READING**: An Ordinance Adopting Subdivision and Site Plan Regulations for Frankfort and Franklin County.

Purpose: The purpose of this item is to consider an ordinance adopting Subdivision and Site Plan Regulations as adopted by the Frankfort/Franklin County Planning Commission.

Background: As part of the adopted 2001 Comprehensive Plan and the adopted Implementation Strategy of the Comprehensive Plan, a Planning Consultant was hired to draft new regulations for the City and County.

After numerous public workshops and after a public hearing was held by the Frankfort/Franklin County Planning Commission, the Planning Commission adopted the new Subdivision and Site Plan Regulations for the City of Frankfort and Franklin County on 11/20/03. There was no one in the audience for or against the proposed new regulations during the public hearing. These regulations replace those previously adopted in 1978.

Recommendation: Approval.

Attachments: Ordinance.

Frankfort/Franklin County Planning Commission Minutes dated 9/4/03. Frankfort/Franklin County Planning Commission Minutes dated 11/20/03.

Contact Person

Name: Gary Muller

Title: Director

Department: Planning and Building Codes

Phone: (502) 875-8513 Email: gmuller@fewpb.com

3.5 **FIRST READING**: An Ordinance Amending Ordinance No. 16, 2003 Series, and Frankfort Municipal Code Section 15.16.150 - Inspection Fees (Electrical).

Purpose: The purpose of this item is to consider amending the fee schedule for electrical inspections in order to better clarify and provide more appropriate fees.

Background: The last update to the City's fee schedule relating to permits was in 1990 and amended in June of 2003. Now that six months have passed, it is important to review the ordinance to ensure there are no inadvertent issues created by the amended ordinance.

Planning & Building Codes staff believes that it is appropriate and necessary to amend the inspection fees for commercial property to make them more in line with the residential fees, to add a provision for additions to residential structures at a lower cost than new residential structures, and to provide more clarification within the fees

An approval to support the proposed fee schedule amendment will better match the actual cost to the City for providing these services.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: (502) 875-8513 E-mail: <u>Gmuller@fewpb.com</u>

4. ORDERS

4.1 An Order Authorizing the Filing of an Application with the Department of Transportation, United States of America, for a Grant under the Federal Transit Act of 1964, as amended.

Purpose: The purpose of this item is to consider an order authorizing the filing of an application with the U.S. Department of Transportation for a 5311 Grant under the Federal Transit Act.

Background: This order must be adopted each year in order to apply for a Section 5311 Grant. This Order authorizes the Mayor to execute and file on behalf of the City an application with the U.S. Department of Transportation for a Section 5311Grant which provides operating and administrative assistance to the City's Public Transit System.

Recommendation: Approval.

Attachments: Order.

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: (502) 875-8565
E-mail: jhackbrt@fewpb.com

4.2 An Order Committing the Local Share of Funds Necessary to Secure a Section 5311 Grant Application.

Purpose: The purpose of this item is to consider an order committing the City's share of funds to obtain a Section 5311 Grant and assure the operation of the transit service for a minimum of five years.

Background: This order must be adopted each year in order to apply for a Section 5311 Grant. The Section 5311 Grant request will be in the amount of \$180,000. The \$180,000 Grant request will cover approximately half of the projected \$360,000 Transit operating budget and is the maximum the City is eligible to apply for. The 2004 Grant request is a \$30,000 increase from the 2003 Grant. The City is also to assure the operation of the transit service for a minimum of five years.

Recommendation: Approval.

Attachments: Order.

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: (502) 875-8565
E-mail: jhackbrt@fewpb.com

5. RESOLUTIONS

5.1 Resolution Extending Term for Holmes Street Task Force.

Purpose: The purpose of this item is to consider a resolution to extend the completion date of the work for the Holmes Street Task Force.

Background: On 6/16/03, the Board of Commissioners created the Task Force on the Holmes Street area strategic redevelopment plan.

Currently, the Task Force is undertaking a survey of residents, business and property owners in the Holmes Street/Thorn Hill area. It is evident from Task Force meetings that there are numerous issues, concerns and interests that must be addressed. Members agreed to seek feedback from those directly affected by the work of the Task Force. This survey will provide direct input as to needs, perceptions and attitudes of citizens of Holmes Street and Thorn Hill relating to quality of life, housing and infrastructure. The Task Force believes the survey will provide sufficient data from which to clarify the most pressing needs, evaluate strategies and make recommendations to the Board.

To allow the Task Force sufficient time for completing its tasks, the term of the Task Force is being extended through December, 2004.

Recommendation: Approval.

Attachments: Resolution.

Contact Person

Name: Ramona Newman
Title: Project Specialist
Department: City Manager's Office
Phone: (502) 875-8500
E-Mail: rnewman@fewpb.com

5.2 Resolution Authorizing the Filing of an Application for 2004 TE-21/Renaissance Kentucky Grant Funds, Approving the Application for Scope of Work, and Designating the Mayor to Execute All Grant Documents pertaining to this Application.

Purpose: The purpose of this item is to consider a resolution authorizing the filing of an application for 2004 TE-21/Renaissance KY grant funding, approving the application scope of work and designating the Mayor to execute all grant related documents.

Background: TE-21/Renaissance KY (RenKY) applications are due 2/16/04. Three applications for Phase III were previously submitted but not funded due to limited available funds and several new cities entering the RenKY Program. Recent discussions with Transportation and RenKY representatives also indicate that TE-21 funds, which comprise the major portion of grant funds, are oriented toward historic commercial areas in proximity to federal and state highways. Accordingly, the Streetscape Committee modified this application to include only blocks in the historic commercial district. Public hearings were conducted on 12/15/03 and 1/5/04. The Streetscape Committee met on 1/7/04 to consider all public comment and to vote on the elements to be included in the final scope of work. All elements meet grant and Streetscape Master Plan requirements. The estimated project cost is \$791,792 (\$633,194 TE funds, \$79,449 Local funds, and \$79,149 Renaissance KY funds). The proposed activities are:

- 1) New sidewalks in the 100 and 300 blocks of W. Main, the 100 block of St. Clair, the 400 block of W. Broadway, and the 100 block of E. Broadway;
- 2) 5 globe lighting and underground lighting utilities in the 100 and 300 blocks of W. Main and the 100 and 200 blocks of St. Clair;
- 3) extend the current light fixture style and underground lighting utilities on the 200 and 300 blocks of W. Broadway to the 400 block of W. Broadway and the 100 block of E. Broadway, install trash receptacles on the above blocks, install pedestrian crosswalks at Main and Ann Streets and at Main and Madison, install a landscaped "bump out" at Main and Madison with new parking garage signage, re-landscape the St. Clair Bridge planters, procure architect/engineer design/management services, and have an architectural landscape plan prepared and implemented for the blocks encompassed in the scope of work (excluding 100 E. Broadway and 400 W. Broadway which were included in a recent study of the Broadway area).

The Kentucky Heritage Council must approve all plans and specifications. These activities will substantially complete the Streetscape Master Plan recommendations for the North Frankfort Renaissance District commercial area.

Financial Analysis: RenKY grant funds of \$79,149 are requested for a portion of the 20% match. The remaining \$79,449 local match, including \$300 for the ineligible parking garage sign, must be budgeted in the 2004-05 Capital Improvements Budget. If funds awarded are less than the amount requested, a reduced budget and scope of work must be submitted.

Recommendation: Approval.

Attachments: Resolution.

Copy of project description.

Project budget.

Contact Person

Name: Margaret Jo Shockley
Title: Grants Manager
Department: City Manager's Office
Phone: (502) 875-8500

E-Mail: jshockley@fewpb.com

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Commission member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 Bid Award: Sports Equipment for the 2003-2004 Season. (Parks & Recreation)

Purpose: The purpose of this item is to consider awarding the bid for sports equipment for the 2003-2004 season to Shively Sporting Goods.

Background: This is an annual bid process for sports equipment consisting of baseballs, catcher face masks, leg guards, chest protectors, catcher mitts, batting helmets, batter tees, softballs, volleyball nets and balls, tennis nets and tennis balls, etc. These items are used for the youth baseball and softball leagues as well as the adult softball leagues, tennis and volleyball leagues. Invitations to bid were sent to seven vendors with only one vendor response. It is recommended that the sole bidder, Shively Sporting Goods of Louisville, Kentucky receive the bid award in the amount of \$29,536.34.

Financial Analysis: The total bid price of \$29,536.34 is within the projected impact of \$25,000 - \$30,000 and is budgeted in the 2003-2004 Parks and Recreation Department Sports Equipment Account for this purchase.

Recommendation: Approval.

Attachments: Bid evaluation.

Bid submitted by Shively Sporting Goods.

Contact Person

Name: Steve Brooks Title: Director

Department: Parks & Recreation
Phone: (502) 875-8575
E-Mail: Sbrooks@fewpb.com

6.2 Engineering Services Contract with HMB Engineers for Preparation of Bid Package to Solicit Plumbers/Contractors for Sewer Lateral Program. (Sewer Department)

Purpose: The purpose of this item is to consider entering a contract with HMB Engineers for Engineering Services associated with preparation of a bid package to solicit plumbers/contractors for lateral program.

Background: On 12/23/03, the Board approved preparation of a bid package for soliciting plumbers/contractors to perform construction services associated with the lateral program. HMB Engineers has submitted a proposal to assist the Sewer Department in completing the bid package, administer the bid process, evaluate bids and make a recommendation of award.

Financial Analysis: The engineering services proposal will be at a not-to-exceed fee of \$10,000, with funding from Sewer Account 300.68.56552.

Recommendation: Approval.

Attachments: Proposal.

Contact Person

Name: William R. Scalf, Jr.

Title: Director Department: Sewer

Phone: (502) 875-2448 E-mail: <u>wscalf@fewpb.com</u>

6.3 Authorization to File an Application with the Kentucky Natural Resources and Environmental Protection Cabinet for Litter Abatement Funding. (Public Works Department)

Purpose: The purpose of this item is to consider applying for litter abatement funds through the Kentucky Natural Resources and Environmental Protection Cabinet.

Background: The City of Frankfort is eligible to apply for litter abatement funds through the Kentucky Natural Resources and Environmental Protection Cabinet. This funding is available to City's and County's throughout the Commonwealth to support litter clean up on public roadways. The program is funded through House Bill 174 that was approved by the Kentucky Legislature at its last legislative session. HB 174 requires permitted solid waste landfills to collect an additional \$1.75/ton to pay for litter abatement programs and proper closures of abandoned landfills. The funding level received is based upon public street miles within the City limits. As required by KRS 224.43-345, two litter clean ups will be conducted along city streets each year. The City agrees to provide a 25% match for all litter abatement funds received and to provide proof of this match to the Kentucky Natural Resources and Environmental Protection Cabinet upon request. The City

also agrees to report information to the County by February 1 of each year regarding all litter abatement activities.

Financial Analysis: Funds are available in Street Department operating budget for the 25% match for all litter abatement funds received. Based upon street miles, the City received \$7,292.50 in 2003 and a similar amount is expected for 2004.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone (502) 875-8563
E-mail jhackbrt@fewpb.com

6.4 Personnel.

Personnel Action	<u>Employee</u>	<u>Department</u>	Effective <u>Date</u>	<u>Other</u>
Confirmation	Nathan S. Wade Joseph Teasley Brian T. Olds Bradley K. Kays James L. Anglin Wayne Briscoe II Raymond Walters	Fire Fire Fire Fire Fire Fire Public Works	12/9/03 12/9/03 12/9/03 12/9/03 12/9/03 12/9/03 1/14/04	Firefighter Firefighter Firefighter Firefighter Firefighter Firefighter Maintenance Worker
Appointment	Jason S. Monroe Linda M. Roberts	Fire Police	1/27/04 1/27/04	Firefighter, Paramedic Office Assistant
Promotion	Robert Martin Rickey Williams Daniel Shouse Daniel Miller Marc Wood Dennis Hodge	Fire Fire Fire Fire Fire	1/27/04 1/27/04 1/27/04 1/27/04 1/27/04 1/27/04	Assistant Chief from Batt. Chief Battalion Chief from Captain Captain from Lieutenant Captain from Lieutenant Lieutenant from Sergeant Sergeant from Firefighter
Conditional Offer of Employment*	Jason E. Combs	Fire		Firefighter
Resignation	Casey W. Wilson	Police	1/4/04	Patrol Officer, authorize payment accrued leave, 227.5 hrs. vacation, 91 hrs. holiday

^{*}Contingent upon successfully completing physical examination.

Attachments: None.

Contact Person

Name: John Morrow
Title: Personnel Director
Department: City Manager's Office
Phone: (502) 875-8500
E-Mail: Jmorrow@fewpb.com

7. BOARD APPOINTMENTS

- Board of Ethics.
- Housing Authority.

8. OLD BUSINESS

8.1 Waiver of Payment in Lieu of Taxes (PILOT) for the Housing Authority of Frankfort. (Finance Department)

Purpose: The purpose of this item is to consider a formal request from the Housing Authority of Frankfort for waiver of the 2003 PILOT payment.

Background: On 11/25/03, the Housing Authority forwarded a letter requesting a waiver of the PILOT payment in the amount of \$19,210. If approved, the monies will be used to help fund the Authority's child care program which has experienced vacancies due to cessation of additional child care subsidies.

Recommendation: Waiver of the PILOT payment is a discretionary action of the Board.

Attachments: Letter from Housing Authority of Frankfort dated 11/25/03.

Contact Person

Name: James C. Rogers

Title: Director Department: Finance

Phone: (502) 875-8505 E-mail: JRogers@fewpb.com

8.2 Ranking of the Top Firm in regards to the Request for Proposals (RFP) for Environmental Review Services for the Grand Theatre Project. (City Manager's Office)

Purpose: The purpose of this item is to consider the top firm to provide the City with professional services related to the Environmental Review of the Grand Theatre Project.

Background: On 8/18/03, the Board of Commissioners adopted a resolution authorizing the Mayor to enter into an agreement with Save the Grand Theatre, Inc. providing for certain funding application and granting of easements for the Grand Theatre Project. One of the items in the Agreement is for the City to pursue CDBG funding from the Kentucky Department for Local Government. At that time, Save the Grand Theatre, Inc. anticipated receiving Renaissance Kentucky funds to purchase the Grand Theatre building prior to receiving CDBG funding. A CDBG requirement is that any project anticipating use of CDBG funds must adhere to Environmental Review requirements of that program, even if other funds are used for the activity. In this instance,

even though building acquisition costs were expected from a non-CDBG source (Renaissance), CDBG funds were anticipated for building renovation and therefore, environmental clearance was necessary before any funds were spent to purchase the building. The Agreement further stated that Save the Grand Theatre, Inc, would reimburse all costs associated with completion of the Environmental Review.

Authorization to advertise a Request for Proposals (RFP) for environmental services was granted by the Board on 10/20/03. The RFP was advertised on 11/30/03, and solicitation packets were sent to four (4) firms, with four (4) additional firms requesting packets. Two (2) firms responded by the deadline. A Review Team was selected which consisted of the Purchasing Agent, Senior Planner, Grants Manager and Project Specialist. Following its evaluation, Will Linder and Associates received the highest ranking based on weighted rating points received.

The Board may agree with the Review Team's recommendation or may amend the point system or create their own, as deemed necessary.

It should be noted that although the Renaissance funds were not awarded, Save the Grand Theatre, Inc. intends to obtain funds though local sources to purchase the building. CDBG funding is still considered necessary for renovation.

Financial Analysis: The fee for these services will not exceed \$3,000. Save the Grand Theatre, Inc, shall reimburse this cost to the city, according to the executed Agreement.

Recommendation: Approval.

Attachments: Summary of ranking from Review Team dated 12/18/03.

Contact Person

Name: Ramona Newman
Title: Project Specialist
Department: City Manager's Office
Phone: (502) 875-8500

E-mail: rnewman@fewpb.com

8.3 Extension of Contract with FMSM Engineers for Engineering and Diving Services associated with Eight (8) River Crossings in the Kentucky River. (Sewer Department)

Purpose: The purpose of this item is to consider extending contract with FMSM Engineers for Engineering and Diving Services of the remaining river crossings not recently inspected.

Background: The Sewer Department currently has eleven (11) river crossings, three (3) in Benson Creek and eight (8) in the Kentucky River. In October 2003 the Board of Commissioners approved a contract with FMSM Engineers for \$33,050 for underwater assessment services in response to a break in the Ewing Street Force Main.

This is the next phase of evaluating the remaining river crossings. This task is being performed to determine the condition of the existing eight (8) river crossings, some of which are approaching 50 years old, and to determine any external forces that may be impacting the river crossings. With the information collected, the Sewer Department will be better able to program river crossing rehabilitation projects.

Financial Analysis: Total annual cost is a not-to-exceed contract of \$28,075.00, with funding from Sewer Account 200.68.53265.

Recommendation: Approval.

Attachments: Proposal.

Contact Person

Name: William R. Scalf, Jr.

Title: Director Department: Sewer

Phone: (502) 875-2448 E-mail: wscalf@fewpb.com

9. NEW BUSINESS

9.1 2004 Sports Rates Schedule. (Parks and Recreation)

Purpose: The purpose of this item is to consider the sports rates schedule for the Parks and Recreation Department for the 2004 Season.

Background: At its 11/18/03 meeting, the Parks and Recreation Advisory Board recommended that rates be raised as follow:

- from \$45.00 to \$50.00 per player for Instructional League Baseball and Softball, Minor League Baseball and Softball, Cal Ripken Baseball, and Little League Softball;
- from \$65.00 to \$70.00 per player for 13-15 year old Babe Ruth Baseball;
- from \$85.00 to \$150.00 per player for 16 year old Babe Ruth Baseball and 17-18 year old Senior Babe Ruth;
- \$ from \$85.00 to \$150.00 per player for the Senior Girl's Traveling Team;
- \$ from \$45.00 to \$50.00 per day for shelter rentals.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: Steve Brooks
Title: Director

Department: Parks and Recreation
Phone: (502) 875-8575
E-Mail: Sbrooks@fewpb.com

9.2 Bid Authorization: Camera for Performing Video Inspections of Sewer Laterals. (Sewer Department)

Purpose: The purpose of this item is to consider solicitation of bids for the purchase of a camera for performing video inspections of sewer laterals to support the recently adopted lateral policy.

Background: With adoption of the sewer lateral policy on 12/23/03, the Sewer Department will be required to perform video inspections of laterals from the main sewer line to determine the extent

and location of problems. The purchase of a new camera will allow the Sewer Department to perform this task.

Financial Analysis: This equipment purchase is currently not funded and is estimated at \$150,000, with delivery from time of bid award being 4 to 6 months. Funding for the camera purchase will be included in the 2004-2005 Fiscal Year Budget and the camera will be bid with the provision that delivery will not be made until after July 2004. The City of Frankfort will reserve the right to reject any and all bids.

Recommendation: Approval.

Attachments: None.

Contact Person

Name: William R. Scalf, Jr.

Title: Director Department: Sewer

Phone: (502) 875-2448 E-mail: wscalf@fewpb.com

10. CLOSED SESSION KRS 61.810 (1), (b), (f), property and personnel

11. ADJOURNMENT